

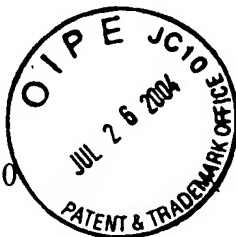
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

James D. Peterson et al.

Application No.: 10/698,140

Filed: October 31, 2003

For: SYSTEM AND METHOD FOR  
PROVIDING FINANCIAL ADVICE  
FOR AN INVESTMENT PORTFOLIO

Confirmation No.: 2938

Group Art Unit: 3628

Examiner: Unknown

INFORMATION DISCLOSURE  
STATEMENT353 Sacramento Street, Suite 2200  
San Francisco, CA 94111  
(415) 772-4900M/S AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**CERTIFICATE OF MAILING**I hereby certify that this correspondence is being deposited  
with the United States Postal Service as First Class Mail in an  
envelope, addressed to: Commissioner for Patents, P.O.  
Box 1450, Alexandria, VA 22313-1450 on July 21, 2004.  
STALLMAN & POLLOCK LLP

Dated: 07/21/2004

By:

*Georgia K Stith*  
Georgia K Stith

Sir:

Applicant(s) submit(s) herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which they are aware, which they believe(s) may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

- (a) ☐ accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.
- (c) ☒ as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits, or before a first office action after filing a Request for Continued Examination under §1.114.
- (d) ☐ is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is

- (i) ☐ given for each listed item
- (j) ☐ given for only non-English language listed item(s) [Required]
- (k) ☐ is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

- ☒ The Commissioner is hereby authorized to charge our Deposit Account No. 50-1703, under Order No. SCHB-500, for any fees required in connection with the filing of this Information Disclosure Statement. **A duplicate copy of this Notice is enclosed for this purpose.** In particular, in the event that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is authorized to charge the above-named deposit account for any fees required pursuant to CFR §§ 1.17(p) or 1.17(i)(1).

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: July 20, 2004

By: 

Brian J. Keating Reg. No. 39,520

Attorneys for Applicant(s)

known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.

- (e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and the Issue Fee has not been paid, and is accompanied by the fee (\$130) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) is checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- (f) ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- (g) ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

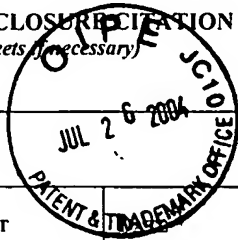
A copy of the items on PTO-1449 (Modified) is supplied herewith, except as noted below.

Those patent(s) or publication(s) which are marked with an asterisk (\*) in the attached form PTO-1449 (Modified) are not supplied because they are (a) either U.S. Patents and this an application filed after June 30, 2003, or (b) were previously cited by or submitted to the Office in a prior application no. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

- (h) ☒ not given

<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>	<b>Docket Number (Optional)</b> <b>SCHB-500</b>	<b>Application Number</b> <b>10/698,140</b>
	<b>Applicant(s)</b> <b>James D. Peterson et al.</b>	
	<b>Filing Date</b> <b>October 31, 2003</b>	<b>Group Art Unit</b> <b>3628</b>



### U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	*AA	3,634,669	01/11/1971	Soumas et al.	235	184	07/16/1969
	*AB	3,697,693	10/10/1972	Deschenes et al.	179	2 DP	03/11/1970
	*AC	4,007,355	02/08/1977	Moreno	235	61.7 R	03/21/1975
	*AD	4,334,270	06/08/1982	Towers	364	300	08/11/1972
	*AE	4,346,442	08/24/1982	Musmanno	364	408	07/29/1980
	*AF	4,376,978	03/15/1983	Musmanno	364	408	10/22/1980
	*AG	4,597,046	06/24/1986	Musmanno et al.	346	408	09/30/1982
	*AH	4,642,767	02/10/1987	Lerner	364	406	04/23/1984
	*AI	4,742,457	05/03/1988	Leon et al.	364	408	08/27/1985
	*AJ	4,752,877	06/21/1988	Roberts et al.	346	408	04/09/1986
	*AK	4,774,663	09/27/1988	Musmanno et al.	364	408	11/21/1983
	*AL	4,868,376	09/19/1989	Lessin et al.	235	492	05/15/1987
	*AM	4,876,648	10/24/1989	Lloyd	364	408	01/12/1988
	*AN	4,885,685	12/05/1989	Wolfberg et al.	364	401	09/18/1987
	*AO	4,910,676	03/20/1990	Alldredge	364	408	03/30/1987
	*AP	4,933,842	06/12/1990	Durbin et al.	364	408	02/29/1988
	*AQ	4,989,141	01/29/1991	Lyons et al.	364	408	06/01/1987
	*AR	5,025,138	06/18/1991	Cuervo	235	379	01/06/1987
	*AS	5,101,353	03/31/1992	Lupien et al.	364	408	05/31/1989
	*AT	5,126,936	06/30/1992	Champion et al.	364	408	09/01/1989
	*AU	5,132,899	07/21/1992	Fox	364	408	10/16/1989
	*AV	5,148,365	09/15/1992	Dembo	364	402	08/15/1989
	*AW	5,220,500	06/15/1993	Baird et al.	364	408	09/19/1989
	*AX	5,222,019	06/22/1993	Yoshino et al.	364	408	10/03/1991
	*AY	5,227,967	07/13/1993	Bailey	364	408	03/20/1989
	*AZ	5,237,500	08/17/1993	Perg et al.	364	408	02/27/1990
	*BA	5,454,104	09/26/1995	Steidlmayer et al.	395	600	02/25/1993
	*BB	5,471,575	11/28/1995	Giansante	395	144	01/03/1992
	*BC	5,523,942	06/04/1996	Tyler et al.	364	401	03/31/1994
	*BD	5,563,783	10/08/1996	Stolfo et al.	364	408	04/04/1995
	*BE	5,590,037	12/31/1996	Ryan et al.	395	204	09/17/1993
	*BF	5,592,379	01/07/1997	Finrock et al.	395	239	10/06/1994
	*BG	5,644,727	07/01/1997	Atkins	395	240	12/06/1994
	*BH	5,692,233	11/25/1997	Garman	705	36	02/03/1995

### FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

### OTHER DOCUMENTS

*(Including Author, Title, Date, Pertinent Pages, Etc.)*

--	--

Examiner	Date Considered
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>	<b>Docket Number (Optional)</b> <b>SCHB-500</b>	<b>Application Number</b> <b>10/698,140</b>
	<b>Applicant(s)</b> <b>James D. Peterson et al.</b>	
	<b>Filing Date</b> <b>October 31, 2003</b>	<b>Group Art Unit</b> <b>3628</b>

### U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	*BI	5,784,696	07/21/1998	Melnikoff	705	36	06/06/1995
	*BJ	5,812,987	09/22/1998	Luskin et al.	705	36	03/13/1995
	*BK	5,864,827	01/26/1999	Wilson	705	35	06/27/1997
	*BL	5,864,828	01/26/1999	Atkins	705	36	08/27/1991
	*BM	5,875,437	02/23/1999	Atkins	705	40	04/15/1997
	*BN	5,884,283	03/16/1999	Manos	705	30	09/05/1996
	*BO	5,884,285	03/16/1999	Atkins	705	36	01/16/1992
	*BP	5,884,287	03/16/1999	Edesess	705	36	04/11/1997
	*BQ	5,907,801	05/25/1999	Albert et al.	455	406	09/22/1995
	*BR	5,911,135	06/08/1999	Atkins	705	36	04/16/1991
	*BS	5,911,136	06/08/1999	Atkins	705	36	03/26/1997
	*BT	5,918,218	06/29/1999	Harris et al.	705	37	09/01/1994

### FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	BU	0 572 281	05/28/1993	EPC	G06F	15/30		
	BV	WO 96/06402	02/29/1996	PCT	G06F	17/60		
	BW	WO 98/13776	04/02/1998	PCT	G06F	17/60		
	BX	WO 98/44444	10/08/1998	PCT	G06F	19/00		

### OTHER DOCUMENTS

*(Including Author, Title, Date, Pertinent Pages, Etc.)*

	BY	J. Zweig, "12 Deadly Fund Myths—and how to profit from them," <i>Money</i> , February 1996, pp. 86-95.
	BZ	J. Zweig, "What you can do to stop index funds from blowing up on you when stocks fall," <i>Money</i> , September 1997, p. 47.
	CA	J. Zweig, "How to Build ...," <i>Money</i> , Forecast 1997, pp. 82, 84, 85, 86, 88, 91, 93, & 95.
	CB	J. Zweig, "How to Beat 77% of Fund Investors Year After Year," <i>Money</i> , August 1997, pp. 136-139.
	CC	<i>Business Week</i> , Section: Science & Technology "A Financial Planner with Nerves of Silicon," October 7, 1985, page 108.
	CD	M. Edesess et al., "Scenario forecasting: Necessity, not choice," <i>The Journal of Portfolio Management</i> , Spring 1980, pp. 10-15.
	CE	T. Eggenschwiler et al., "ET++SwapsManager: Using Object Technology in the Financial Engineering Domain," <i>ACM Sigplan Notices</i> , Vol. 27, No. 10, October 1992, pp. 166-177.
	CF	H.F. Weiss, "Dialing for Profits," <i>Personal Computing</i> , Vol. 10, No. 5, May 1986, pp. cover, 3 and 180.
	CG	B. Putnam, "Asset allocation—one step at a time," <i>Global Investor</i> , March 1997, pp. 67-72.
	CH	F. Hickox, "Learning about artificial intelligence," <i>Institutional Investor</i> , July 1986, pp. 209-210.
	CI	D.L. Jensen et al., "Frontier: A graphical interface for portfolio optimization in a piecewise linear-quadratic risk framework," <i>IBM Systems Journal</i> , Vol. 31, No. 1, 1992, pp.62-70..
	CJ	J. Keyes, "Expert Allocator: Tools for portfolio optimization," <i>Pension Management</i> , Vol. 32, No. 5, May 1996, 5 pages in length.
	CK	A.J. King, "Asymmetric risk measures and tracking models for portfolio optimization under uncertainty," <i>Annals of Operations Research</i> , Vol. 45, 1993, pp. 165-177.

<b>Examiner</b>	<b>Date Considered</b>
<b>Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</b>	

<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>	<b>Docket Number (Optional)</b> <b>SCHB-500</b>	<b>Application Number</b> <b>10/698,1400</b>
	<b>Applicant(s)</b> <b>James D. Peterson et al.</b>	
	<b>Filing Date</b> <b>October 31, 2003</b>	<b>Group Art Unit</b> <b>3628</b>

### U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	*CL	4,648,037	03/03/1987	Valentino	364	408	03/15/1984
	*CM	4,953,085	08/28/1990	Atkins	364	408	04/15/1987
	*CN	5,775,734	07/07/1998	George, Jr.	283	57	08/02/1996
	*CO	5,918,217	06/29/1999	Maggioncalda et al.	705	36	12/10/1997
	*CP	6,012,044	01/04/2000	Maggioncalda et al.	705	36	05/25/1999
	*CQ	6,014,688	01/11/2000	Venkatraman et al.	709	206	04/25/1997
	*CR	6,064,986	05/16/2000	Edelman	705	36	01/19/1999
	*CS	6,076,072	06/13/2000	Libman	705	34	04/15/1997
	*CT	6,085,174	07/04/2000	Edelman	705	36	09/23/1997
	*CU	6,154,732	11/28/2000	Tarbox	705	36	07/25/1997
	*CV	6,202,054	03/13/2001	Lawlor et al.	705	42	02/06/1998
	*CW	6,223,983	05/01/2001	Kjonaas et al.	235	379	02/19/1999
	*CX	6,292,787	09/18/2001	Scott et al.	705	36	09/11/1998
	*CY	6,304,897	10/16/2001	Venkatraman et al.	709	206	11/01/1999
	*CZ	6,367,010	04/02/2002	Venkatram et al.	713	171	07/02/1999

### FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	DA	WO 98/49643	11/05/1998	PCT	G06F	17/60		
	DB	WO 99/34286	07/08/1999	PCT	G06F	9/46		
	DC	WO 00/46729	08/10/2000	PCT	G06F	17/60		
	DD	WO 01/03367 A1	01/11/2001	PCT	H04L	9/08		
	DE	WO 01/78491 A2	10/25/2001	PCT	unclassified			
	DF	WO 01/78491 A3	10/25/2001	PCT	H04L	9/00		

### OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages, Etc.)

	DG	M. Malliaris et al., "Beating the Best: A Neural Network Challenges the Black-Scholes Formula," <i>IEEE Computer Society Press, CA</i> , 1993, pp. 445-449.
	DH	C. Nikolopoulos, "A Hybrid Expert System for Investment Advising," <i>IEEE</i> , published 6/27/1994, pp. 1818-1820.
	DI	I. Schmerken, "Making Risk Analysis Easy as Alpha, Beta," <i>Wall Street Computer Review</i> , January 1988, Vol. 5, No. 4, pp. 8-12.
	DJ	W.F. Sharpe, "Asset allocation: Management style and performance measurement," <i>The Journal of Portfolio Management</i> , Winter 1992, pp. 7-19.
	DK	W.F. Sharpe et al., <i>Investments</i> , Chapters 8, 11 and 23, 5th Edition, 1995, pp. 193-231, 293-321, and 827-863.
	DL	H. Tanaka et al., "Possibility Portfolio Selection," <i>IEEE</i> , Publication date 3/20/1995, pp. 813-818.
	DM	"Keeping Up with Technology: The 1991 Software Update," <i>Trusts &amp; Estates</i> , Vol. 130, No. 6, June 1991, beginning at page 34 (15 duplexed pages in length).
	DN	J. Vörös, "Portfolio analysis—An analytic derivation of the efficient portfolio frontier," <i>European Journal of Operational Research</i> , Vol. 23, 1986, pp. 294-300.

Examiner	Date Considered
<b>Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</b>	

<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>	<b>Docket Number (Optional)</b> <b>SCHB-500</b>	<b>Application Number</b> <b>10/698,1400</b>
	<b>Applicant(s)</b> <b>James D. Peterson et al.</b>	
	<b>Filing Date</b> <b>October 31, 2003</b>	<b>Group Art Unit</b> <b>3628</b>

#### U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE

#### FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

#### OTHER DOCUMENTS

*(Including Author, Title, Date, Pertinent Pages, Etc.)*

	DP	WALL STREET COMPUTER REVIEW, "1990 Buyer's Guide," <i>Wall Street Computer Review</i> , 1990, 23 pages in length.
	DQ	J. Paroush, "Risk and Wealth Effects on Efficient Portfolio," <i>Metroeconomics</i> , Vol. 26, No. 1-3, 1974, pp. 86-96.
	DR	K.N. Pantazopoulos et al., "A Knowledge Based System for Evaluation of Option Pricing Algorithms," Publication date 3/29/1998, pp. 123-140.
	DS	L. Bellity, "Optimisation Floue Appliquee Au Choix De Portefeuilles," <i>CCF Recherche &amp; Innovation</i> , 1994, 8 pages in length.
	DT	Ibbotson Associates, <i>EnCorr</i> , 1998, 48 pages in length.
	DU	Ibbotson Associates, "InterFace Institutional Software + Data," 2nd Quarter 1998, Vol. Issue 5.2, No. 2, 3 pages in length.
	DV	Barra, Inc., "BARRA Provides Combined Style Analysis and asset Allocation Capabilities," <i>BARRA Portfolio</i> , 9 pages in length.
	DW	Investment Strategies Network, Inc., "Net Results, Your on-line financial advisor," 1995-1997, 97 pages in length.
	DX	PCT/US, "International Search Report – PCT/US 98/19920," 3 pages in length.
	DY	PCT/US, "International Search Report – PCT/US 98/19951," 3 pages in length.
	DZ	PCT/US, "International Search Report – PCT/US 98/19952," 3 pages in length.
	EA	PCT/US, "International Search Report – PCT/US 98/20709," 3 pages in length.

<b>Examiner</b>	<b>Date Considered</b>
<b>Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</b>	